

DATE ALLOWED: October 16, 2003

Docket No.: 218131US-3 PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/048,170  
Applicants: Hiroaki KUNO, et al.  
Filing Date: April 26, 2002  
For: METHOD FOR PRODUCTION OF CERAMIC  
PRODUCT, AND CERAMIC PRODUCT  
Group Art Unit: 1762  
Examiner: K. A. Bareford

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. §1.181**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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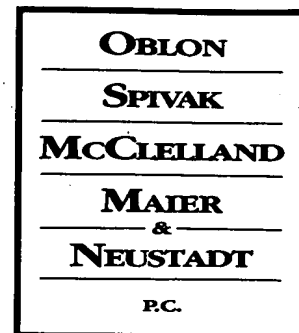
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DOCKET NO: 218131US-3 PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HIROAKI KUNO, ET AL. : EXAMINER: K. A. BAREFORD  
SERIAL NO: 10/048,170 :  
FILED: APRIL 26, 2002 : GROUP ART UNIT: 1762  
FOR: METHOD FOR PRODUCTION OF :  
CERAMIC PRODUCT AND CERAMIC  
PRODUCT

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully petition in accordance with 37 C.F.R. §1.181(a)(3) to compel consideration by the examiner of her Comments on Statement of Reasons for Allowance.

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

In the present case, the Examiner's Statement of Reasons for Allowance inappropriately characterized the claims by placing an unwarranted interpretation of the claims on record. Consequently, this is an appropriate circumstance in which to invoke the supervisory authority of the Commissioner to compel the examiner to reconsider the enclosed Comments on Statement of Reasons for Allowance.

The examiner notes that it is understood that the phrase "maximum internal friction, represented by the natural logarithm of the inverse of said internal friction, equals to  $1 \times 10^{-3}$ " is understood that  $1 \times 10^{-3}$  represents the highest acceptable internal friction, even

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Petition for Consideration Under 37 C.F.R. §1.181

though the magnitude of  $\log Q^{-1}$  is the lowest acceptable number (that is, acceptable  $\log Q^{-1}$  numbers would be  $2 \times 10^{-3}$  or  $1 \times 10^{-2}$ )” (Reasons for Allowance, page 2, lines 8-12, emphasis added). Applicants note that in the amendment submitted on September 30, 2003, the values of  $\log Q^{-1}$  of  $2 \times 10^{-3}$  and  $1 \times 10^{-2}$  were only exemplary language used to illustrate a point that was not clearly understood. The claim limitation recites that the maximum internal friction, represented by the natural logarithm of said internal friction, equals to  $1 \times 10^{-3}$ . There are no limitations recited that acceptable  $\log Q^{-1}$  numbers would be  $2 \times 10^{-3}$  or  $1 \times 10^{-2}$ . Those are certainly acceptable numbers given the limitation in terms of a maximum value, but those are not the only possible values.

In addition, the Examiner also states that “[she] also understands, after review of page 11 of the specification, that the discussion of internal friction at lines 2-5 refers to the final product after the infiltration of resin, and the discussion of the internal friction at the second paragraph of page 11 refers to the body before the infiltration of resin” (*Id.*, page 2, lines 13-16). Applicants respectfully submit that lines 2-5 on page 11 disclose that the maximum internal friction, represented by the natural logarithm of said internal friction, equals to  $1 \times 10^{-3}$ . As claimed, such a limitation corresponds to the final product after filtration as also noted in the Reasons for Allowance. However, Applicants respectfully submit that the text on the second paragraph of page 11 also refers to the final product after infiltration of the resin. The difference between the text on lines 2-5 and the text on the second paragraph of that same page is the use of “preferably” and “more preferably” language in the latter.

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Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R. §1.181 be granted and the Examiner reconsider his/her Comments on Statement of Reasons for Allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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